



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
177 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 17 2010

APPLY TO THE ATTENTION OF:

E-19J

Mr. David T. Williams
Environmental Program Manager
Federal Highway Administration – Michigan Division
315 Allegan Street, Room 201
Lansing, Michigan 48933

RE: Final Environmental Impact Statement for US-31 from I-196 to I-96 (US-31 Holland to Grand Haven Project) in Ottawa County, Michigan, EIS No. 20100041

Dear Mr. Williams:

The U.S. Environmental Protection Agency (EPA) received your February 16, 2010, cover letter for the US-31 from I-196 to I-96 (US-31 Holland to Grand Haven) Final Environmental Impact Statement (FEIS). In your letter, you requested that the EPA provide concurrence and comments on the third concurrence point (Preferred Alternative) in the merged process for the National Environmental Policy Act (NEPA)/Section 404 of the Clean Water Act.

The preferred alternative (F-1a) consists of the following components:

1. A new two-lane limited access highway (M-231) to be constructed near 120th Avenue from M-45 north to the I-96/M-104 interchange, including a new Grand River crossing and other interchange improvements,
2. Intersection improvements and adding an additional lane in each direction on US-31 in Grand Haven, from south of Franklin Street to north of Jackson Street,
3. Intersection improvements and adding an additional lane in each direction on US-31 in Holland, from Lakewood Boulevard north to Quincy Street.

EPA has reviewed the FEIS in accordance with our responsibilities under NEPA and Section 309 of the Clean Air Act. We agree that the preferred alternative (F-1a) substantially meets the project's Purpose and Need while minimizing impacts. We understand that this alternative has support from affected local governments and its costs could be funded within projected revenues. For these reasons, we concur with the preferred alternative for this project (Concurrence Point #3).

The preferred alternative (F-1a) consists of many, but not all, of the elements of the preferred alternative (FJ-1) identified in the Draft Environmental Impact Statement. The Federal Highway Administration (FHWA) and Michigan Department of Transportation (MDOT) have scaled back the project to keep it in line with projected revenues. The agencies have also done a

good job of avoiding impacts to environmental resources through minimization efforts. As we were conducting our review of this EIS, we questioned when and if the rest of the original preferred alternative (FJ-1) would be built. While this was addressed to some degree in the FEIS, there were several references made in the FEIS where more clarification would be helpful. Specifically,

- There is level of service information on existing US-31 to compare the No-Action to the preferred alternative. However, level of service information on M-45 (Lake Michigan Drive) comparing build to No-build was not included in the FEIS. We are concerned about the possible need for additional improvements to M-45 to accommodate additional forecasted traffic.
- In the Executive Summary (page 1-20) and the preferred alternative discussion (page 3-11), a statement is made that, in the future, additional lanes on M-231 will likely be needed based on projected traffic levels. The FEIS states that this will be beyond the 20-year planning time-frame covered in the FEIS. A statement is made on page 3-17 under "Future Actions" that other major improvements within the US-31/M-231 corridor and FEIS Study area, north or south of M-45, are beyond the scope of this FEIS, and will require additional environmental documentation and alternative evaluation through the federal NEPA process. Any subsequent NEPA activities will be initiated by MDOT, when warranted by traffic levels and available funding, in coordination with the affected Metropolitan Planning Organizations and local officials. Other than likely additional lanes on M-231, it isn't clear what other projects might be needed.

To be clear, we believe it would be useful to provide some explanation of additional projects that might be needed in the area. From the FEIS, it is clear that additional capacity on M-231 is anticipated, but it isn't clear when that might be needed or what traffic volumes or congestion levels would be thresholds useful for considering this decision. The FEIS and the Record of Decision (ROD) should provide more information about how the highways adjacent to M-231 will function and when changes in capacity may be needed. Specifically, we believe a discussion of how M-45 will function when M-231 is constructed is important to include in the evaluation and ROD.

Additionally, the information about indirect and cumulative effects associated with the proposed M-231 intersection locations could be improved by discussing what environmental resources are in close proximity to the proposed intersection locations where potential future cumulative impacts are anticipated. The FEIS just states that the project may influence the location of future cumulative impacts (i.e., land use changes, etc.) and concentrated areas of impact may occur along the proposed M-231 intersection locations. Going one step further to discuss what environmental resources are at M-231 intersection locations would be helpful.

At the time of the Draft Environmental Impact Statement, we raised environmental objections due to issues we identified with respect to alternatives and impacts to wetlands. Those issues were resolved with the selection of the preferred alternative. We look for the issues we raise in this letter to be addressed in the Record of Decision for this project.

Thank you for the opportunity to review this information. If you have any questions, please contact Sherry Kamke, of my staff, at either kamke.sherry@epa.gov or (312) 353-5794.

Sincerely yours,



Kenneth A. Westlake
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Cc: Mike O'Malley, MDOT